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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/881,096 06/24/97 SPEICHER

G 935-008

WARD & OLIVO
708 THIRD AVENUE
NEW YORK NY 10017

LM01/0620

EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2764

DATE MAILED:

06/20/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/881,096

Applicant(s)

Spelcher

Examiner

Nga B. Nguyen

Group Art Unit
2764

☒ Responsive to communication(s) filed on Aug 10, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 3-50 is/are pending in the application.
Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3-50 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2764

DETAILED ACTION

1. This Office Action is the answer to the communication filed on June 24, 1997 , which paper has been placed of record in the file.
2. Claims 3-50 are pending in this application.

Drawings

3. The drawings are objected to because of the Draftsperson's notice, see form PTO-948 for detail. Correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 3, 5, and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hyodo, U.S. Patent No.5,937,390.

Regarding claim 3, Hyodo discloses a method for providing an enhanced computer based advertising system, wherein method comprises the steps of:

an advertiser placing an advertisement (figure 1, item 3);

Art Unit: 2764

storing advertisement (column 3, lines 13-15);

publishing advertisement (column 3, lines 23-26);

receiving a first connection from a user via the Internet in response to advertisement (column 4, lines 12-19);

initiating a second connection with advertiser via telephone (column 4, lines 27-29); and

coupling first connection with second connection, whereby a conversation between user and advertiser ensues (column 4, lines 30-31);

wherein system is the receiver of first connection, and wherein system performs initiating and coupling (column 4, lines 12-31).

Regarding claim 5, Hyodo discloses advertisement comprises text (figure 1, item 1).

Regarding claim 8, Hyodo discloses the step of charging user or advertiser (column 4, lines 50-55).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2764

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo, U.S. Patent No.5,937,390 in view of Solomon et al, U.S. Patent No. 5,768,348.

Regarding claim 4, Hyodo does not teach the anonymity of advertiser is maintained. Solomon teaches the anonymity of advertiser is maintained (see abstract). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the Solomon's above feature with Hyodo for the purpose of keeping the anonymity between the user and the advertiser.

8. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo, U.S. Patent No.5,937,390 in view of Reilly et al, U.S. Patent No. 5,740,549.

Regarding claim 9, Hyodo discloses a method for providing an enhanced computer based advertising system, wherein method comprises the steps of:

an advertiser placing an advertisement (figure 1, item 3);

storing advertisement (column 3, lines 13-15);

publishing advertisement (column 3, lines 23-26);

receiving a first connection from a user via the Internet in response to advertisement (column 4, lines 12-19);

coupling first connection with second connection, whereby a conversation between user and advertiser ensues (column 4, lines 30-31);

wherein system is the receiver of first connection, and wherein system performs initiating and coupling (column 4, lines 12-31).

Art Unit: 2764

However, Hyodo does not teach the step of initiating a second connection with advertiser via Internet. Reilly teaches teach the step of initiating a second connection with advertiser via Internet (column 13, lines 9-25). It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the step of initiating a second connection with advertiser via Internet with Hyodo's method for the purpose of connecting user and advertiser in order to ensure the communication between user and advertiser.

9. Claims 6-7, 15, 17-20, 25, and 41-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hyodo, U.S. Patent No.5,937,390 in view of Official Notice taken by Examiner.

Regarding claims 6-7, Hyodo does not teach advertisement comprises audio and video. Official Notice taken is that advertisement comprises audio and video is well-known in the art. A lot of merchant's web site on Internet having audio/video advertisement in order to stimulate the consumer to purchase goods or services. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include audio/video in Hyodo's advertisement in order to stimulate the user to purchase goods or services over the public network..

Regarding claim 15, Hyodo discloses a method for providing an enhanced computer based advertising system, wherein method comprises the steps of:

an advertiser placing an advertisement (figure 1, item 3);

storing advertisement (column 3, lines 13-15);

publishing advertisement on an Internet Web page (column 3, lines 23-26);

Art Unit: 2764

a user accessing advertisement via the Internet (column 4, lines 12-19).

However, Hyodo does not disclose the step of : user responding to advertisement via an Internet telephone call; wherein Internet telephone call is initiated from a Web page. Official notice taken is that establishing a communication via an Internet telephone call which is initiated from a Web page is well-know in the art. For example, Internet user can establish voice communication over the Internet such as voice chat in some of chat rooms. It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine the step of user responding to advertisement via an Internet telephone call with Hyodo's method for the purpose of establishing a telephony communication between user and advertiser over the Internet.

Regarding claim 17, Web page indicates that the person who placed advertisement is on-line is well known in the art and would have been obvious to the skilled artisan with the motivation of recognizing whether the person who placed advertising is on-line in order to obtain a real-time communication between user and advertiser.

Regarding claims 18-20, Internet telephone call is made using the electronic mail address, the Internet Protocol Address of the person who placed advertisement or using the address of the server into which the person who placed advertisement is logged are well known in the art and would have been obvious to the skilled artisan with the motivation of obtaining the communication between user and advertiser by using electronic mail, Internet Protocol Address, or the address of the server into which the person who placed advertisement is logged.

Art Unit: 2764

Regarding claim 25, Hyodo discloses a method for providing an enhanced computer based advertising system, wherein method comprises the steps of:

- an advertiser placing an advertisement (figure 1, item 3);
- storing advertisement (column 3, lines 13-15) ;
- publishing advertisement (column 3, lines 23-26) ;
- accessing advertisement via the Internet (column 4, lines 12-19) .

However, Hyodo does not disclose the step of: responding to advertisement via a real time Internet communication; wherein real time Internet communication is initiated from a Web page. Official notice is taken that establishing a real-time Internet communication is well known in the art. It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine step of: responding to advertisement via a real time Internet communication with Hyodo's method for the purpose of obtaining a real-time communication between user and advertiser over the Internet.

Regarding claim 41, Hyodo discloses an apparatus for an enhanced computer based advertising system, wherein apparatus comprises:

- means for an advertiser to place an advertisement (figure 1, item 3);
- means for advertiser to indicate at least one of a plurality of contact number (figure 1, item 3);
- a digital storage means to store advertisement and contact numbers (column 3, lines 13-15);

Art Unit: 2764

a publishing means (column 3, lines 23-26) ;

means for a user to access system by initiating a telephone call (column 4, lines 12-19).

However, Hyodo does not teach means for system to initiate a sequence intended to connect user with advertiser; system executes sequence in a random or advertiser specified order, once or an iterative number of times, indefinitely or over a predetermined interval, unless canceled or until advertiser is connected with user. Official notice is taken that advertiser places a plurality of contact number in the advertisement and system executes sequence in advertiser specified order is well known in the art. For example, advertiser when posting a personal ad, he/she can provide many contact numbers such as home phone, work phone, cellular phone., pager...It would have been obvious to one with ordinary skill in the art at the time the invention was made to combine those feature above with Hyodo's method for the purpose of allowing user can easily reaches the advertiser.

Regarding claim 42-46, contact numbers is a telephone number, an Internet address, an electronic mail address, a local access number (LAN) address, any electronic address location are well known in the art and would have been obvious to the skilled artisan with the motivation of obtaining the communication between user and advertiser via any contact address posted by advertiser.

Regarding claim 47, telephone call is made via the Internet is well known and would have been obvious to the skilled artisan with the motivation of obtaining communication between user and advertiser via Internet telephone.

Art Unit: 2764

Regarding claims 48-49, advertiser can determine the order and the time in/at which plurality of contact numbers is called are well known and would have been obvious in the skilled artisan with the motivation of providing advertiser can determine the order and the time available of advertiser's contact number for the user can easily reaches the advertiser..

Regarding claim 50, advertiser can deactivate at least one of plurality of contact numbers is well known and would have been obvious in the skilled artisan with the motivation of allowing advertising can have a choice to cancel any contact number he/she already posted in the advertisement..

10. Claims 10-14 contain the same limitation as claims 4-8, therefore are rejected by the same rationale.

Claim 16, 26 contain the same limitations as claim 4, therefore are rejected by the same rationale.

Claims 21-24 contain the same limitations as claim 5-8, therefore are rejected by the same rationale.

Claims 27-30 contain the same limitation as claims 18-20, therefore are rejected by the same rationale.

Claims 31-34 contain the same limitation as claims 5-8, therefore are rejected by the same rationale.

Claims 35-40 are written in means and contain the same limitations as claims 3-8, therefore are rejected by the same rationale.

Art Unit: 2764

Conclusion

11. Claims **3-50** are rejected.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell, can be reached on (703)305-9768.

13. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 2700
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

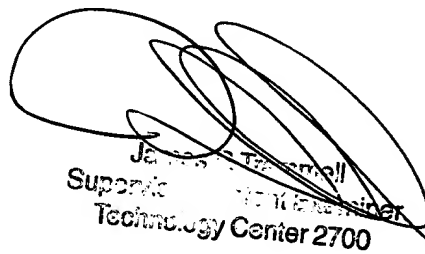
2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Art Unit: 2764

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
June 16, 2000


James A. Tammell
Supervisory Patent Examiner
Technology Center 2700